

DISCUSSION OF THE AMENDMENT

The specification has been amended by correcting spelling and/or typographical errors.

Claims 1 and 3-28 remain pending in the application.

REMARKS

Applicants thank the Examiner and the Training Quality Assurance Specialist Gregory Mills for the courtesy extended to Applicants' attorney during the interview held September 3, 2008, in the above-identified application. During the interview, Applicants' attorney, the Examiner and Mr. Mills discussed the issue of new matter raised in the Office Action. The discussion is summarized and expanded upon below.

The objection to the disclosure as introducing new matter by the amendments filed February 27, 2008 and May 28, 2008, is respectfully traversed. As Applicants' attorney noted during the interview, Applicants have already gone on record, in the amendment filed May 28, 2008, of what the error was in filing the present application as justification for inserting the disclosure, now objected to as containing new matter, into the specification. Applicants respectfully submit, consistent with *In re Oda*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971), that one skilled in the art would appreciate not only the existence of error in the specification but what the error is, since it is clear that the anionic emulsifier of original Claim 2 is not within the scope of formula (2) of original Claim 1, and therefore must be an anionic emulsifier of a different embodiment. Applicants gratefully acknowledge the Examiner's and Mr. Mills' indication during the above interview that Applicants' explanation is consistent with applicable precedent. Accordingly, it is respectfully requested that the objection be withdrawn.

The objection to the disclosure at paragraph 1 of the Office Action is respectfully traversed. Indeed, this objection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this objection be withdrawn.

Application No. 10/539,801
Reply to Office Action of July 16, 2008

Applicants gratefully acknowledge the Examiner's allowance of all pending Claims 1 and 3-28. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Customer Number

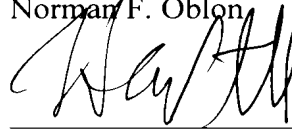
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